



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

AUG 18 2015

Mr. Steve Whitson
EHS Professional
RR Donnelley & Sons Company, Inc.
216 Greenfield Road
Lancaster, PA 17601

**Re: Notice of Violation
Compliance Evaluation Inspection
July 21, 2015
EPA ID No. PAD00800250**

Docket Number: R3-15-NOV-RCRA-33

Dear Mr. Whitson:

On July 21, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Pennsylvania Solid Waste Management Act (SWMA), as amended, 35 P.S. 6018.101 - 6018.1003, and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. at your facility. A copy of the inspection report is enclosed. Based on that inspection and/or review of other pertinent information, EPA has determined that RR Donnelly & Sons Company, Inc., Lancaster, Pennsylvania facility (the Facility) is violating regulations promulgated under the Pennsylvania SWMA and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violation is:

1. The solvent-contaminated wipes container on the rotogravure printing floor (Photos #9, 10 and 11) was not labeled per the requirement in 25 PA 261a [40 CFR 261.4 (a)(26)] which requires the generator of these wipes label the container, "Excluded Solvent-Contaminated Wipes".
2. Filter press waste container for chromium sludge (F006) not covered (Photos #30 and 31) pursuant to 25 PA 265a [40 CFR 265.173 (a)] which requires a container holding hazardous waste remain closed during storage, except when adding or removing waste.

3. Universal waste lamps and batteries in the Hoist Shop (Photos #1, 2, 3, 4, 5, 6 and 7) and Offset Printing Floor (Photos #39, 40 and 41) not marked with a start accumulation date as required by 25 PA 266b [40 CFR 273.15 (c)(1)] which calls for a universal waste container to be labeled with the earliest date that any universal waste in the container became a waste or was received.
4. Universal waste lamps in the Hoist Shop (Photos #1, 2, 3 and 4) and the Offset Printing Floor (Photos #39, 40 and 41) not labeled per pursuant to 25 PA 266b [40 CFR 273.14 (e)] which requires that each container of universal waste lamps be marked with one of the following phrases: "Universal Waste – Lamp(s)", or "Waste Lamp(s)" or "Used Lamp(s)".
5. Universal waste lamps in the Hoist Shop (Photos #1, 2, and 3) and the Offset Printing Floor (Photos #39, 40 and 41) not properly containerized per 25 PA 266b [40 CFR 273.13 (d)(1)] which requires the containers to remain closed.
6. Hazardous waste containers in the 90-day storage area were not labeled (Photos #14, 15, 16, 17, 18, 19, 20 and 21) pursuant to 25 PA 262a [40 CFR 262.34 (a)(3)] which requires, during onsite accumulation, each container be labeled or marked clearly with the words, "Hazardous Waste".
7. Hazardous waste containers in the 90-day storage area were not marked with start accumulation date (Photos #17, 18 and 19) pursuant to 25 PA 262a [40 CFR 262.34 (a)(2)] which requires the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
8. A hazardous waste determination was not made with regard to aerosol cans discarded in the trash per 25 PA 262a [40 CFR 262.11 (b)] which requires a hazardous waste determination be made using Subpart D of 40 CFR part 261.
9. Manifest #007828658FLE did not have a signed return copy from the recipient per 25 PA 262a [40 CFR 262.40 (a)] which requires that the generator retain the signed copy of the manifest from the recipient of the waste for at least three years.

In addition to the above listed RCRA and PA SWMA violations, there is an area of concern, which, if not properly addressed, could lead to violations:

1. A status determination needs to be made with regard to the F006 sludge container from the filter press as either:
 - A. A 90 day storage container that accumulate greater than 55-gallons, but must be inspected weekly, labeled as hazardous waste and marked with a start accumulation date; or
 - B. A satellite accumulation area, which may accumulate no greater than 55-gallons, does not require a start accumulation date and must be labeled as hazardous waste or describe the containers contents [40 CFR 262.34 (c)(1) and 262.34 (c)(2)].

Within twenty (20) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Response to this NOV shall be addressed to:

Eric Greenwood
Land and Chemicals Division (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

Aug 18, 2015
Date

Enclosure

cc: M. Gross, PADEP (Central Office) w/o Enclosure
P. Belgiovane (3LC70) w/o Enclosure
E. Greenwood (3LC70) w/o Enclosure